THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.10212 of 2001

11-08-2005

BETWEEN

1. N. Lakshmana Rao, S/o Nagabhushanam,

Age: 30 years, Door No.7-40, Giddada,

Mamidikudur Mandal and 23 others.

…**PETITIONERS**

AND

1. Regional Manager, APSRTC, Rajahmundry,

East Godavari District and 6 others.

…**RESPONDENTS**

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.10212 of 2001

ORDER: -

The petitioners, 24 in number, filed this writ petition seeking *mandamus* to declare the action of the respondents 1 to 5 in checking/seizing, their vehicles as illegal and arbitrary.

2. In the affidavit filed in support of the petition, it is the case of the petitioners that they are the owners of Light Motor Vehicles and they are running the said vehicles by obtaining Motor Cab Permits issued by the competent authority as per the provisions of the Motor Vehicles Act, 1988 (for short 'the Act'). It is their case that the respondents 1 to 5, who are not having any authority or jurisdiction, are illegally checking their vehicles and seizing the same alleging some violation. In this context they have questioned the authority of the respondents 1 to 5.

3. In the counter affidavit filed on behalf of the respondents 1 to 5,
it is stated that the petitioners are plying their vehicles un-authorisedly contrary to the terms and conditions and in violation of the same, causing loss to the revenue of the Andhra Pradesh State Road Transport Corporation. But, however, they have denied the allegations of the petitioners that their vehicles are being checked and seized by the respondents.

4. Even in the affidavit filed in support of the petitioner, there are no details of the alleged checking and seizing of the vehicles by the respondents. But in the counter affidavit the respondents 1 to 5 were denying about the checking and seizing. But, however, it is stated that there is a violation by the petitioners of their terms and conditions causing loss to the revenue of the Corporation.

5. As per the Scheme of the Act and the Rules made thereunder, there is no such authority for the respondents 1 to 5 either to check or to seize the vehicles. If the petitioners violated any of the terms and conditions, the respondents can represent to the appropriate authority for taking action. But, however, they cannot, on their own, check or seize the vehicles.

6. In that view of the matter, I dispose of the writ petition directing the respondents 1 to 5 not to check or seize the vehicles directly by their officers. However, it is made clear that if the petitioners have violated any of the terms and conditions, it is open to the respondents 1 to 5 to make their representation to the concerned authority and it is equally open to such Authority to take appropriate action in this regard.

6. Accordingly, the writ petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

Dt.11-08-2005

GLV